REMARKS

In the Office Action dated March 30, 2004, the rejection of the claims based upon the *Woundy* and *Nakagawa* patents was maintained. For the reasons presented in Applicant's previous response, it is respectfully submitted that these patents do not disclose, nor otherwise suggest, the subject matter of the original claims to a person of ordinary skill in the art. However, in an effort to advance the prosecution of the application, the claims have been amended to further clarify the distinctions over the prior art. For instance, the claims now explicitly recite that the concept of provisioning computing devices involves the installation and/or configuration of software components on the devices, as opposed to the registration of terminals for authorized access to a network, as in the *Woundy* patent. It is respectfully submitted that the *Woundy* patent does not contain any disclosure relating to the installation and/or configuration of software components on computing devices.

Furthermore, it is not apparent from the Office Action how the teachings of the *Nakagawa* patent are to be applied to the system of the *Woundy* patent, despite Applicant's previous request for such an explanation. The Office Action merely refers to the *Nakagawa* patent at column 5, lines 17-43, and column 6, lines 1-15. These portions of the patent explain that the objects of the disclosed subject matter are to provide a software distribution/maintenance system having certain features. It is not apparent from the patent, however, nor the Office Action, how these objectives apply to the wideband cable system of the *Woundy* patent. The *Woundy* patent does not relate to the distribution or maintenance of software over a network. As such, it is not readily apparent *how* any of the teachings of the *Nakagawa* patent are

to be combined with those of the *Woundy* patent, nor *why* a person of ordinary skill in the art would be inclined to make such a combination. The two patents are directed to entirely different objectives, and there is no apparent nexus between them that would lead a person to apply the teachings of one to the disclosure of the other.

Furthermore, a number of the specific features of the invention, recited in the dependent claims, are neither disclosed nor suggested by the references. For instance, claims 3 and 18 recite that the messages are transmitted by means of a gateway that provides an interface between the database and the devices. These claims further recite that messages are converted in the gateway from a first protocol associated with the database to a second protocol employed by the devices. In rejecting these claims, the Office Action refers to the *Nakagawa* patent at column 7, lines 1-27, which states that a standardized communication protocol is used to connect two different process means. It is not seen how this disclosure can be interpreted to suggest the claimed subject matter. There is no teaching in this portion of the *Nakagawa* patent relating to the use of a gateway that acts as an interface between a database and a device being provisioned. Nor is there any disclosure of *converting* messages in such a gateway from a *first* protocol associated with the database to a *second* protocol employed by the devices.

Claims 4, 5, 19 and 20 recite specific protocols that are employed by the devices. In rejecting these claims, the Office Action again refers to the disclosure of using "standardized communication protocols" between the first and second process means. This disclosure does not identify *which* standardized protocols are used,

and specifically does not teach the use of remote procedure calls, particularly XML-PRC, as recited in the claims.

Claim 6 recites the step of recognizing a change in the configuration of one of the devices, and modifying the model in accordance with such a change. In rejecting this claim, the Office Action refers to the *Nakagawa* patent at column 23, lines 1-12. This portion of the patent states that, when a *fault* occurs in a user computer, a report of this fault is sent to the software developer. In response, the software developer "manually" corrects the bugs that resulted in the fault, and this correction is then entered in the object software library of the vendor, to provide an updated version of the software for users. This technique for detecting and correcting faults due to bugs is not based upon changes that occur in the configuration of a user computer. Rather, it is a reaction to a faulty operation of the computer, which causes the software developer to make changes offline, and then upload those changes in the form of updated versions of the software.

Claims 8 and 17 recite that the agents in the devices retrieve software components from a source external to the devices, and install the software components on the devices. In rejecting claim 8, the Office Action refers to the *Nakagawa* patent at column 55, lines 56-61. It is respectfully submitted that this portion of the patent does not suggest that a user computer retrieves software from a source external to the computer. Rather, this portion of the patent pertains to the procedure P8 that is performed by a *vendor*. As stated at lines 60 and 61, the required modules are retrieved and *sent* to the user. See also Figures 14 and 15.

Claims 9-14 and 21-26 pertain to the classification of software components into multiple roles. For instance, as illustrated in Figure 8 of the application, and

recited in claims 12-14, the software components can be classified into an operating system role, an application role and a content role. In rejecting the claims, the Office Action again refers to the *Nakagawa* patent at column 55, lines 56-61. This portion of the patent does not contain any teaching of the classification of software into different roles, particularly roles that are based upon the probable frequency with which their respective components are likely to be changed. Rather, it only discloses the procedure by which a module is updated to the latest version number. There is no indication that the modules are classified into different groups, let alone how those groups might be organized.

Claims 15 and 27 recite the use of a command queue for transmitting messages from the database to the devices. The rejection of these claims refers to Table 3 appearing in column 47 of the *Nakagawa* patent. Applicant is unable to identify any disclosure in this portion of the patent suggesting the use of a command queue as recited in the rejected claims. Rather, Table 3 merely comprises a list of the call procedures that can be utilized by a client program. This disclosure does not suggest the use of a command queue that operates in the particular manner recited in the rejected claims.

Claims 16 and 28 recite that the agents installed on the devices have a level of authority that enables them to manipulate operating system software installed on the devices. The rejection of these claims refers to the *Nakagawa* patent at column 51, lines 55-61. This portion of the patent discloses the use of a password to enable a vendor to be confirmed to a user, for security purposes. It has nothing to do with the level of authority of an agent that is installed on a device. In particular, it does

not suggest that an agent should have root level authority, i.e., the ability to

manipulate operating system software.

For the foregoing reasons, it is respectfully submitted that all pending claims

are patentable over the applied references. Reconsideration and withdrawal of the

rejection is respectfully requested.

Respectfully submitted,

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